

BOARD OF APPEALS CASE NO. 4985

BEFORE THE

APPLICANT: Bel Air Construction, Inc.

ZONING HEARING EXAMINER

REQUEST: Variance to construct an addition within the required front yard setback; 140 Fairmount Place, Bel Air

OF HARFORD COUNTY

HEARING DATE: December 15, 1999

Hearing Advertised

Aegis: 10/27/99 & 11/3/99

Record: 10/29/99 & 11/5/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Bel Air Construction, Inc. The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required 35 foot front yard setback in an R2 District.

The subject parcel is owned by Kevin and Gay Williamson and is located at 140 Fairmount Place in the Third Election District. The parcel is identified as Parcel No. 785, in Grid 3-C, on Tax Map 49. The parcel has dimensions of 128 feet by 147 feet and is zone R2.

Ms. Gay Williamson appeared and testified that the dwelling on the subject parcel is approximately 40 years old and that she and her husband have owned the property for approximately 13 years. Ms. Williamson said that she is requesting a variance to construct an addition which will be 27 feet from the front property line. Ms. Williamson said that the property slopes from front to back and that the subject parcel is located on a cul-de-sac and is the smallest lot on the court.

Mr. Michael Watts appeared and testified that he is the owner of Bel Air Construction, Inc., which is a home improvement and construction company. Mr. Watts said that he was retained by the Applicants to design and construct an addition. Mr. Watts said that the addition, if approved, will be 27 feet from the front property line and that literal enforcement of the Zoning Code would cause practical difficulty because the owners would be unable to construct the addition as proposed. Mr. Watts said that he did not feel approval of the request would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the addition will improve the appearance of the dwelling on the subject parcel.

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Mr. Anthony S. McClune, Manager, Division of Land Use Management for the Department of Planning and Zoning, appeared and testified that the subject parcel has a unique configuration and that the parcel slopes to the rear. Mr. McClune said that the proposed location for the addition is the most logical location, and that the Staff recommends conditional approval of the Applicant's request.

No protestants appeared in opposition to the Applicant's request.

CONCLUSION:

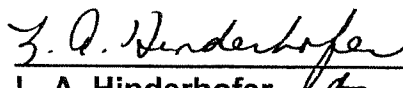
The Applicant is requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to reduce the front yard setback from the required 35 feet to 27 feet.

The uncontradicted testimony of all witnesses who testified was that the subject parcel is located on a cul-de-sac and is the smallest of the lots on the court. The testimony also indicated that the parcel is unique because of its size and unusual shape and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the front yard setback to 27 feet be approved for the reasons set forth by the Applicant's witnesses, as well as Mr. McClune, in his testimony.

The variance shall be subject to the condition that the Applicant obtain all necessary permits and inspections for the addition.

Date JANUARY 13, 2000



L. A. Hinderhofer
Zoning Hearing Examiner